

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PETER T. STORAASLI,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondant.

CASE NO. MC05-0040RSM

ORDER OF DISMISSAL

This matter comes before the Court on defendant's motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Dkt. #4). On February 17, 2005, plaintiff filed this miscellaneous petition, asking the Court to quash two summonses which were served by the IRS upon Washington Mutual Bank and U.S. Bank. (Dkt. #1). This appears to be a nearly identical petition filed by petitioner in a different action in this Court, wherein the IRS had served a summons upon Bank of America. *See* Case No. C041752L.

Defendant has filed a Motion to Dismiss for failure to state a cause of action. Plaintiff has failed to respond or otherwise oppose the motion. Accordingly, having reviewed defendant's Motion to Dismiss, and the remainder of the record, the Court does hereby find and ORDER:

(1) Defendant's Motion to Dismiss (Dkt. #4) is GRANTED, and this case is DISMISSED. This District's local rules state that "[i]f a party fails to file papers in opposition

ORDER
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1 to a motion, such failure may be considered by the court as an admission that the motion has
2 merit.” Local Rule CR 7(b)(2). Having reviewed the record in this case, the Court finds no
3 reason not to apply this rule.

4 (2) The Clerk is directed to forward a copy of this Order to all counsel of record.

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6 DATED this 20th day of May, 2005.

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9 RICARDO S. MARTINEZ
10 UNITED STATES DISTRICT JUDGE
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